



**IT IS FURTHER ORDERED** that Defendant's motion to dismiss Plaintiff's claim for breach of contract predicated on the failure to return Plaintiff's security deposit is **DENIED**; and

**IT IS FURTHER ORDERED** that Plaintiff is **GRANTED** leave to amend the Complaint in conformity with the Court's Opinion within ten days of the issuance of this Order.

Dated: 2-3-2010

/s/ Robert B. Kugler  
ROBERT B. KUGLER  
United States District Judge